

BRONSTEIN, GEWIRTZ & GROSSMAN, LLC

60 East 42nd Street, Suite 4600

New York, NY 10165

(212) 697-6484

Fax (212) 697-7296

Peretz Bronstein
Edward N. Gewirtz
Neil D. Grossman
Shimon Yiftach

December 23, 2013

Via ECF and Email

Hon. Richard J. Sullivan, U.S.D.J.
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United Torah Ed. & Scholarship Fund, Inc. v. Solomon Capital, LLC 13CV3619 (RJS)

Dear Judge Sullivan:

This firm represents Defendants (the “Sharbat Parties”) in the above-referenced action. It is respectfully requested that the Court consider this brief response to the letter submitted by United Torah on December 30, 2013 [Doc. 37]. Contrary to United Torah’s characterization of the California decision as having been granted on default, the decision explicitly considers and rules on the basis of the evidence before it that Mr. Sharbat is domiciled in Israel. So the caselaw cited by Mr. Schwarz referring to the preclusive effect of rulings granted on default, without factual findings, are inapposite. It was Mr. Schwarz’s choice not to submit any evidence in the Central District of California. Mr. Schwarz is free to seek relief from the California ruling, but until such time as such relief is granted (if ever), the Central District of California has made preclusive findings of fact that Mr. Sharbat is domiciled in Israel. Accordingly, the Sharbat Defendants’ motion pursuant to Fed.R.Civ.P. 12(a)(1) should be granted.

Respectfully yours,
/s/ Peretz Bronstein

cc: Marisa Falero, Esq.